

REMARKS

Applicants have carefully reviewed this Application in light of the Final Office Action mailed November 24, 2006. Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99 are pending in this Application. Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99 were rejected. Claims 9-10, 16-17, 34-35, 38, 40-42, 52-53, 59-60, 77-78, 81, 83-85 and 100-101 were previously cancelled without prejudice or disclaimer. Claims 1, 44, and 87 have been amended to further define various features of Applicants' invention. New Claims 102-104 have been added. Applicants respectfully request reconsideration and favorable action in this case.

Rejections Under 35 U.S.C. § 103

Claims 1-8, 11-12, 14-15, 18, 24-29, 32-33, 36, 44-51, 54-55, 57-58, 61, 67-72, 75-76, 79, 87-88, 90-92, 94 and 96-98 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,327,486 issued to Richard S. Wolff et al. ("*Wolff*"), over U.S. Patent No. 6,373,817 issued to Fen-Chung Kung et al. ("*Kung*") and also over U.S. Patent No. 5,434,908 issued to Robert M. Klein ("*Klein*").

Claims 13, 37, 56, 80 and 93 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Wolff*, *Kung*, and *Klein*, and also over U.S. Patent No. 5,758,280 issued to Misa Kimura ("*Kimura*").

Claims 19-23, 30-31, 39, 43, 62-66, 73-74, 82, 86, 89, 95 and 99 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Wolff*, *Kung*, and *Klein*, and also over U.S. Patent No. 5,933,778 issued to Michael Buhrmann et al. ("*Buhrmann*").

Amended Claim 1 is Allowable.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Applicants submit that the references cited by the Examiner, whether considered alone or in combination, do not disclose all of the limitations of Applicants' amended claims.

For example, regarding amended Claim 1, Applicants submit that *Wolff*, *Kung*, and *Klein*, whether considered alone or in combination, do not disclose each and every limitation. Amended Claim 1 recites, in part:

displaying, at the mobile mediation subscriber communication device, the contextual communication summary and the plurality of possible follow-through actions, the possible follow-through actions including an option to answer the incoming call using the mobile mediation subscriber communication device; (emphasis added)

Regarding these limitations, the Examiner alleges that *Wolff* teaches that “the name and number of a calling party, along with a plurality of possible follow-through actions regarding the incoming call” are “displayed on the palm-top computer (see figure 4, in addition to column 44, lines 33-43).” (Office Action, page 6) (emphasis added).

Wolff discloses a system for managing calls between a calling party and a called party. As shown in Figure 1 of *Wolff*, the system includes a personal telephone manager (PTM) 12 running on a computer platform 14. The PTM 12 communicates with a palm-top computer 18 via a radio network 16. (Col. 3, lines 33-45). The palm-top computer 18 can be alerted of incoming telephone calls and selectively rout the calls via the radio network 16 and public local exchange network 10 to any of a number of telephones 20. (Col. 3, lines 41-45).

When a call is placed by the calling party to the called party, the call is routed to the PTM 12, which decides whether to attempt to locate the called party. (Col. 3, line 46 to Col. 4, line 2). If the PTM 12 attempts to locate the called party, and the called party is not available at the selected phone, the PTM 12 routes a data packet including the caller’s name and number to the palm-top computer 18. (Col. 4, lines 3-14). The data packet is routed using Internet IP addressing and UDP protocol. (Col. 4, lines 14-16). The palm-top computer 18 then displays the caller’s name and number, as well as various response options for the called party to select using the palm-top computer 18. (Col. 4, 33-52). The displayed response options include sending various messages to the PTM 12 (to reject the call, route the call to voicemail, or route the call to a different person), or sending a text message to the calling party with special instructions. (Col. 4, line 54 to Col. 5, line 6).

The displayed response options also include “Send a message to the PTM 12 with routing instructions (e.g., ‘route the call to my current location’), and the PTM 12 will connect the caller to the phone 20 at the user’s current location . . .” (Col. 4, lines 55-59) (emphasis added). The end user may select this option using a keyboard 19 or stylus. (Col. 5, lines 7-11). “[S]oftware in palm-top computer 18 captures the input and constructs a packet for transmission back to the PTM 12 via the radio network 16 . . .” (Col. 5, lines 12-15) (emphasis added). The PTM 12 then processes the packet and forwards the call to the phone 20 via the pubic local network 10. (Col. 5, lines 21-23; Fig. 1).

Thus, in order for a called party to receive an incoming call using *Wolff*’s system, the called party must select an option displayed by palm-top computer 18 to route the call to a desired phone 20. The palm-top computer 18 then transmits an IP packet back to the PTM 12 via a radio network 16 directing the PTM to route the call to phone 20, and the PTM 12 processes the packet and routes the call to the phone 20 via the pubic local network 10.

Thus, *Wolff* does not disclose displaying at a mobile mediation subscriber communication device a plurality of possible follow-through actions, including an option to answer the incoming call using the mobile mediation subscriber communication device.

In contrast, *Wolff* teaches displaying a plurality of response options at a palm-top computer, including an option to route the incoming call to a phone separated from the palm-top computer by both a radio network 16 and public local network 10, where the routing requires communicating IP packets between the palm-top computer and a personal telephone manager to control the routing. The basic operation of *Wolff* would have to be significantly changed in order to somehow allow the caller to answer the incoming call at the palm-top computer. Thus, there can be no *prima facie* case of obviousness. See M.P.E.P. § 2143.01(VI) (“The Proposed Modification Cannot Change the Principle of Operation of a Reference.”)

For at least these reasons, Applicants submit that *Wolff* does not teach or suggest “displaying, at the mobile mediation subscriber communication device, the contextual communication summary and the plurality of possible follow-through actions, the possible

follow-through actions including an option to answer the incoming call using the mobile mediation subscriber communication device,” as recited in amended Claim 1.

Applicants also submit that *Kung* and *Klein* do not teach or suggest such limitations.

For at least these reasons, the proposed combination of *Wolff*, *Kung*, *Klein* cannot render amended Claim 1 obvious. Thus, Applicants respectfully request reconsideration and allowance of amended Claim 1, as well as Claims 2-8, 11-15, 18-33, 36, 37, 39, and 43 that depend from amended Claim 1.

In addition, for analogous reasons, Applicants request reconsideration and allowance of amended independent Claims 44 and 87, as well as Claims 45-51, 54-58, 61-76, 79, 80, 82, 86, and 88-99 that depend therefrom.

New Claims 102-104 are Allowable

Applicants submit that new Claims 102-104 are allowable at least because Claims 102-104 depend from amended independent Claims 1, 44, and 87, shown above to be allowable. In addition, new Claims 102-104 include additional elements that are not disclosed by the cited references.

For example, new Claim 102 recites:

102. The method of claim 1, further comprising:

receiving, via the user interface of the mobile mediation subscriber communication device, a designation of an updated availability status of the first party; and

automatically transmitting, from the mobile mediation subscriber communication device for reception by the mediation system, said updated availability status such that the mediation system automatically communicates said updated availability status of the first party to the second party.

New Claim 103 (which depends from Claim 44) and new Claim 104 (which depends from Claim 87) recite similar elements.

Applicants also submit that none of the cited references disclose such limitations. For at least these reasons, Applicants respectfully request consideration and allowance of new Claims 102-104.

CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99.

Applicants enclose a Request for Continued Examination and authorize the Commissioner to charge the amount of \$790.00 to Deposit Account No. 50-2148.

Applicants believe no additional fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2689.

Respectfully submitted,

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